

FILED

Jeffrey A. Apperson, Clerk

SEP 18 2007

Erg 1

Form 10. COMPLAINT FOR NEGLIGENCE WHERE PLAINTIFF IS UNABLE TO DETERMINE WHETHER THE PERSONS RESPONSIBLE IS the SED or other parties WHETHR BOTH AND OTHER PARTIES ARE RESPONSIBLE AND WHERE HIS EVIDENCE MAY JUSTIFY A FINDING OF WILFULLNESS OR OF RECKLESSNESS OR RECKLESSNESS OR OF NEGLIGENCE,

U.S. DISTRICT COURT
WESTN. DIST. KENTUCKY

This complaint and is made in accordance with Federal Rules of Civil Procedure form 10

**The US District Court
At Owensboro Kentucky**

Case no. 4:07-cv-117-M
Hon. Judge Joseph H. McKinley Jr.

Harry T. Young
plaintiff

V

FSA
defendants

The plaintiff seeks judicial review under the Hobbs Act, and this right to review comes from the Administrative Procedures Act in section 702, for the agency violation of the Privacy Act and award actual damages for these deliberate violations which has allowed the agency to foreclose and take plaintiffs property when no money was owed by plaintiff

This suit is primarily brought under 5 USC 552a (g) (1) (B) allowing the court from enjoining the agency from withholding Records,

And under 5USC 552a (g) (1)(C)or (D) where the court determines the agency acted in a manner which was intentional or willful, the United States Shall be liable to the individual an amount equal to actual damages sustained due to the refusal or failure And costs including attorneys fee

1. The Plaintiff has repeatedly been denied procedural due process by defendants willful recklessness and negligence with regards to his Agency file, for several years, including foreclosure,

1a. Where defendant has continually barred plaintiff from reviewing his own files,

2. 5 USC 552a (e) provides each agency that maintains a system of records shall (5) maintain all records which will be used by the agency in making a determination about an individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual.

3. It is apparent to plaintiff that the agency failed to use accurate and complete file in making their determinations which is grossly unfair to plaintiff,

4. 5 USC 552a part (g)(1) of the privacy Act provides civil remedies (C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, completeness as is necessary as is necessary to assure fairness in any determination relating to the qualification, character, rights, opportunity or benefits that may be made on the basis of such record and consequently the determination is adverse to the individual,

4a. The agency has used inaccurate record to foreclose and take property that was wholly owned by plaintiff, and the civil remedy for violation of the privacy Act must reflect The damages sustained by plaintiff due to the agency violation of the privacy Act,

5. 5 USC 552a (d) Access to records (1) provides 'Upon request by an individual (plaintiff) to gain access to his record or to any information pertaining to

him to review the record and have copy made of any portion thereof in a form comprehensible to him,

(2) the Agency SHALL Permit the individual to request amendment of record (to correct record) pertaining to him and-but in plaintiffs case the agency has categorically refused Plaintiff access to his own file,

(A) not later the 10 business days after receipt of such request, acknowledge in writing such receipt; and,

(B) Promptly either-

(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely or complete; or

(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the Agency for individual to request a review of the refusal by head of agency and the name and address of that official

Part 3 has to do with appeal rights and judicial review ,

In that plaintiff has right to review his file (5) and correct his files and he has been precluded from reviewing his own files or record for more then 4 years, thus he cant even meet the first step of the process, and he seeks judicial review in Federal District Court Under the Hobbs Act, section 702 of the Administrative Procedures Act, and under (g) (1) of 5 USC 552a and his files must be made available under subsection (g)(1) (B)

And plaintiff will be entitled to attorneys fees under and actual damages under subsection (g)(1) (C) or (D), and actual damages are rather large as these violations

Ex 1

were used to steal plaintiff farm by fraud,

Therefore plaintiff requests order releasing files to him, attorneys fees and actual damages

As the defendant has acted intentional and willfully in violation of the privacy Act to

grossly injure plaintiff by reckless negligence,

Actual damages; 1. Farm value \$18 million

Other actual damages 2. \$22 million

Respectfully requested

Plaintiff Harry T Young
Harry T. Young

State of Kentucky

} **affidavit**

County of David

Affiant Harry T Young
Harry T. Young

That on 18 of September 07 the affiant appeared before me a public notary and made oath or affirmation that he read the foregoing complaint for violation of the Privacy Act and he believes the same to be true,

Public Notary Alice D Pate
Alice D. Pate My Commission expires 7-18-2010

